

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1513/June 11, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-14630

In the Matter of

DANIEL J. GALLAGHER

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ORDER

The Securities and Exchange Commission (Commission) instituted this proceeding with an Amended Order Instituting Proceedings (OIP) on October 18, 2013. The OIP alleges that Daniel J. Gallagher (Gallagher) violated the antifraud provisions of the securities laws and was convicted of securities fraud and wire fraud in United States v. Gallagher, No. 2:11-cr-806 (E.D.N.Y. Apr. 23, 2013), appeal docketed, No. 13-1956 (2d Cir. May 17, 2013).

The Division of Enforcement (Division) has filed a motion for summary disposition, pursuant to 17 C.F.R. § 201.250(a), in accordance with leave granted. Daniel J. Gallagher, Admin. Proc. Rulings Release No. 1084, 2013 SEC LEXIS 3825 (A.L.J. Dec. 5, 2013). The date set for Gallagher's opposition was July 2, 2014, to allow time for his review of the Division's investigative file, made available pursuant to 17 C.F.R. § 201.230; Gallagher, who is incarcerated, first had access to the file on March 21, 2014, and his review of the investigative file, which he found to be voluminous, was interrupted by twenty-three days of administrative detention.¹ Daniel J. Gallagher, Admin. Proc. Rulings Release Nos. 1250, 2014 SEC LEXIS 590 (A.L.J. Feb. 19, 2014); 1347, 2014 SEC LEXIS 1130 (A.L.J. Mar. 28, 2014) (March 28 Order); 1427, 2014 SEC LEXIS 1614 (A.L.J. May 9, 2014).

Gallagher has completed his review of the investigative file, but does not have access to the Commission cases referred to in the March 28 Order. A friend will be sending those cases to him next week. In light of these circumstances, Gallagher requests an additional two weeks to submit his opposition no later than July 16, 2014. He states that the Division does not oppose the extension, with the understanding that its reply would be due by July 30, 2014. Accordingly, consistent with 17 C.F.R. § 201.161, the due date for Gallagher's opposition will be July 16, 2014, and for the Division's reply, July 30, 2014.

IT IS SO ORDERED.

/S/ Carol Fox Foelak

Carol Fox Foelak
Administrative Law Judge

¹ See Byron S. Rainer, Exchange Act Release No. 59040 (Dec. 2, 2008), 94 SEC Docket 12093; José P. Zollino, Exchange Act Release No. 51632 (Apr. 29, 2005), 85 SEC Docket 1292.